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Burgage Tenure in Mediaeval England. By MORLEY DEWOLF HEMMEON, Ph.D. (Cambridge: Harvard University Press. 1914. Pp. ix, 234.)

IT was formerly held quite generally among English writers on medieval institutions that burgage tenure was merely a form of free or common socage. But Dr. Hemmeon shows quite clearly in his excellent monograph on this neglected subject that burgage was a tenure of its own kind and was not derived from any feudal or villein tenure. The author states his purpose to be to give "a specific description of the urban tenure in medieval England, avoiding speculation as to its origin and dealing only with facts as they are found". Unlike the German historians who have written on the subject of early municipal history, Dr. Hemmeon does not deal in polemics. As to tenurial origins he commits himself only so far as to state his belief that burgage tenure is older than all other forms; but nowhere does he discuss the question in detail. His work deals chiefly with the English problem, but for sake of comparisons he also discusses briefly the corresponding tenures in Germany, the Netherlands, and parts of France.

The problem is treated under three chief heads: incidents of burgage tenure, burgage rents, and mobility. In a number of instances Dr. Hemmeon finds dues and practices that are suggestive of feudal incidents; but these all seem to be exceptional. Marriage and wardship do not appear anywhere. There are scarcely any instances of fealty and homage. Feudal aids are found in a single borough—Castle Rising. Forfeiture and escheat are found to have existed quite generally, but scarcely in their feudal sense. Relief appears in a few boroughs only. The author succeeds in showing quite conclusively that there is no relationship between feudal and burgage tenures. The similarities are more apparent than real and are probably due to the employment of feudal terms or to exceptional circumstances that existed when the borough was founded.

In his chapter on burgage rents Dr. Hemmeon deals with certain payments due to the lord of the borough. These were often nominal and the borough customs show much diversity with respect to these rents. The discussion shows wide and painstaking research, the results of which the author has compiled into a series of interesting and suggestive tables. In the same connection he discusses the nature of the burgage: "Generally speaking . . . the 'burgage' was the land, or the house, or both." The leading feature of burghal land-law, however, was nobility: the burgages could be sold, leased, divided, and devised in a way that feudal land-law would never permit. The author discusses at some length the various methods and devices used in making divisions and transfers and shows how they affected the title to the property in question. Some attention is also given to restrictions on sales and transfers. In his fourth chapter he discusses various aspects of the problem that do not fall under the three main heads. In this chapter the nature

of the *firma burgi* is discussed and new light is thrown on this venerable subject. An appendix gives a brief discussion of burgage tenure in Germany. Dr. Hemmeon's monograph will prove a valuable addition to the literature of medieval institutions.

LAURENCE M. LARSON.

The King's Council in England during the Middle Ages. By JAMES FOSDICK BALDWIN, Ph.D., Professor of History, Vassar College. (Oxford: The Clarendon Press. 1913. Pp. 559.)

THOSE who have followed Professor Baldwin's articles on the council, appearing from 1905 to 1910, have been looking forward to the present work with great expectations. These expectations are realized, and it is confidently asserted that an important and lasting contribution has been made to the history of English government. The articles indeed, while they indicated the trend and quality of his research, are yet a minor element in the sixteen chapters of the book. Chapter I., the Initial Problem, is new; chapter II., the Council under Henry III., is in part a reproduction of *Beginnings of the King's Council* (*Trans. Royal Hist. Soc.*, XIX. 27-59); chapter III., the Council and the 'Curia Regis', is largely new; chapter IV. expands an article on the council from Edward I. to Edward III. (*Eng. Hist. Rev.*, XXIII. 1-14); then comes an important linguistic study of the 'Privy' Council, the 'Great' Council, and the 'Ordinary' Council; chapter VI., the Council in the Time of Richard II., expands a corresponding article (*AMERICAN HISTORICAL REVIEW*, XII. 1-14); then follow two new chapters which omit special problems and deal with "composition and general political bearings" under the Lancastrians, followed by seven chapters on those phases of the council's history requiring topical treatment; chapter IX. is a new study of the Council and the Exchequer; chapter X., the Council and Chancery, has been anticipated by two articles (*AMERICAN HISTORICAL REVIEW*, XV. 496-508; 744-761); the two following, Jurisdiction of the Council and Council and Parliament, are new; chapters XIII. and XIV., Antiquities of the Council and Records of the Council, correspond to similarly named articles (*Eng. Hist. Rev.*, XXI. 1-20; *AMERICAN HISTORICAL REVIEW*, XI. 1-15); chapter XV., the Councillors in Relation to the King and to One Another, is new; and the last chapter reverts to chronology, and gives a striking account of the Yorkist and Tudor council to 1540. The book closes here because "the connection of the medieval council with its modern derivatives" has been shown, "the chief problems which affected the institution during the middle ages were practically settled", and from this point "no single work could possibly follow the manifold activities of the modern conciliar system" (pp. 457-458).

For the fourteenth and fifteenth centuries Professor Baldwin is master of his subject, and it is the reviewer's belief that future work